



January 25, 2008

HOUSE BILL No. 1165

DIGEST OF HB 1165 (Updated January 23, 2008 2:43 pm - DI 107)

Citations Affected: IC 5-20; IC 20-27; IC 20-50; IC 21-12; IC 31-9; IC 31-28; IC 31-36; IC 34-30.

Synopsis: Homelessness, foster youth, and education. Requires the Indiana housing and community development authority (authority) to: (1) oversee and encourage a regional homeless delivery system; (2) facilitate the dissemination of information to assist individuals and families in accessing local resources, programs, and services related to homelessness, housing, and community development; and (3) determine the number of homeless individuals, including homeless children, in Indiana, and the number of homeless in Indiana who are not residents of Indiana. Extends the authority's power to coordinate and establish linkages between governmental and social services programs to include individuals or families facing or experiencing homelessness. Requires the department of education (department) to establish an office of coordinator for education of homeless children. Requires each school corporation to: (1) appoint a liaison for homeless children (liaison); and (2) report to the department the contact information for the liaison. Requires the department to train new liaisons. Requires each school corporation that has an Internet web site to publish on the web site the contact information for the liaison. Relocates a chapter of the Indiana Code concerning the transportation of homeless students to a new article concerning homeless children. Requires a school corporation to transport a student in foster care to and from the school in which the student was enrolled before receiving foster care. Requires each school corporation to provide tutoring for a
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Effective: July 1, 2008.

**Avery, Cheatham, Knollman,
Crouch**

January 14, 2008, read first time and referred to Committee on Family, Children and Human Affairs.
January 24, 2008, reported — Do Pass.

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child who is in foster care or who is homeless if the school corporation determines a child has a demonstrated need for tutoring. Provides that a student who would otherwise qualify for a twenty-first century scholarship is not disqualified as a scholarship recipient if the student has: (1) withdrawn from school due to financial hardship, illness, or a court order; and (2) obtained a general educational development diploma. Requires the department of child services (DCS) to promote sibling visitation for every child who receives foster care. Allows a sibling to request sibling visitation if one of the siblings is receiving foster care. Requires DCS to allow sibling visitation if it is in the best interests of the child receiving foster care. Provides that if DCS denies a request for sibling visitation, an individual may petition a juvenile court for sibling visitation. Requires a court to grant sibling visitation if the court determines sibling visitation is in the best interests of the child who receives foster care. Permits a court to appoint a court appointed special advocate if a child requesting sibling visitation is receiving foster care. Provides that a guardian ad litem or court appointed special advocate appointed in a sibling visitation case is immune from civil liability, except for gross misconduct. Provides that an individual who is at least 16 and less than 18 years of age or an unattached youth may receive shelter and services or items directly related to providing shelter for homeless or low income individuals without the approval of a parent, guardian, or custodian. Provides that an emergency shelter or shelter care facility is not required to notify an emancipated minor's parent, guardian, or custodian if the emancipated minor receives or attempts to receive any services from an emergency shelter, a shelter care facility, or a homeless person or low income program. Provides that an emergency shelter or shelter care facility that receives a runaway child shall: (1) notify the child's parent, guardian, or custodian of the child's location not later than 72 hours after receiving the child; and (2) notify the department of child services if the child alleges that the child is the subject of abuse or neglect. (The introduced version of this bill was prepared by the interim study committee on missing children.)

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January 25, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

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HOUSE BILL No. 1165



A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-20-1-4, AS AMENDED BY P.L.99-2007,
 2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2008]: Sec. 4. (a) The authority has all of the powers
 4 necessary or convenient to carry out and effectuate the purposes and
 5 provisions of this chapter, including the power:
 6 (1) to make or participate in the making of construction loans to
 7 sponsors of multiple family residential housing that is federally
 8 assisted or assisted by a government sponsored enterprise, such
 9 as the Federal National Mortgage Association, the Federal Home
 10 Loan Mortgage Corporation, or the Federal Agricultural Mortgage
 11 Corporation, the Federal Home Loan Bank, and other similar
 12 entities approved by the authority;
 13 (2) to make or participate in the making of mortgage loans to
 14 sponsors of multiple family residential housing that is federally
 15 assisted or assisted by a government sponsored enterprise, such

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1 as the Federal National Mortgage Association, the Federal Home
 2 Loan Mortgage Corporation, or the Federal Agricultural Mortgage
 3 Corporation, the Federal Home Loan Bank, and other similar
 4 entities approved by the authority;
 5 (3) to purchase or participate in the purchase from mortgage
 6 lenders of mortgage loans made to persons of low and moderate
 7 income for residential housing;
 8 (4) to make loans to mortgage lenders for the purpose of
 9 furnishing funds to such mortgage lenders to be used for making
 10 mortgage loans for persons and families of low and moderate
 11 income. However, the obligation to repay loans to mortgage
 12 lenders shall be general obligations of the respective mortgage
 13 lenders and shall bear such date or dates, shall mature at such
 14 time or times, shall be evidenced by such note, bond, or other
 15 certificate of indebtedness, shall be subject to prepayment, and
 16 shall contain such other provisions consistent with the purposes
 17 of this chapter as the authority shall by rule or resolution
 18 determine;
 19 (5) to collect and pay reasonable fees and charges in connection
 20 with making, purchasing, and servicing of its loans, notes, bonds,
 21 commitments, and other evidences of indebtedness;
 22 (6) to acquire real property, or any interest in real property, by
 23 conveyance, including purchase in lieu of foreclosure, or
 24 foreclosure, to own, manage, operate, hold, clear, improve, and
 25 rehabilitate such real property and sell, assign, exchange, transfer,
 26 convey, lease, mortgage, or otherwise dispose of or encumber
 27 such real property where such use of real property is necessary or
 28 appropriate to the purposes of the authority;
 29 (7) to sell, at public or private sale, all or any part of any mortgage
 30 or other instrument or document securing a construction loan, a
 31 land development loan, a mortgage loan, or a loan of any type
 32 permitted by this chapter;
 33 (8) to procure insurance against any loss in connection with its
 34 operations in such amounts and from such insurers as it may deem
 35 necessary or desirable;
 36 (9) to consent, subject to the provisions of any contract with
 37 noteholders or bondholders which may then exist, whenever it
 38 deems it necessary or desirable in the fulfillment of its purposes
 39 to the modification of the rate of interest, time of payment of any
 40 installment of principal or interest, or any other terms of any
 41 mortgage loan, mortgage loan commitment, construction loan,
 42 loan to lender, or contract or agreement of any kind to which the

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1 authority is a party;
 2 (10) to enter into agreements or other transactions with any
 3 federal, state, or local governmental agency for the purpose of
 4 providing adequate living quarters for such persons and families
 5 in cities and counties where a need has been found for such
 6 housing;
 7 (11) to include in any borrowing such amounts as may be deemed
 8 necessary by the authority to pay financing charges, interest on
 9 the obligations (for a period not exceeding the period of
 10 construction and a reasonable time thereafter or if the housing is
 11 completed, two (2) years from the date of issue of the
 12 obligations), consultant, advisory, and legal fees and such other
 13 expenses as are necessary or incident to such borrowing;
 14 (12) to make and publish rules respecting its lending programs
 15 and such other rules as are necessary to effectuate the purposes of
 16 this chapter;
 17 (13) to provide technical and advisory services to sponsors,
 18 builders, and developers of residential housing and to residents
 19 and potential residents, including housing selection and purchase
 20 procedures, family budgeting, property use and maintenance,
 21 household management, and utilization of community resources;
 22 (14) to promote research and development in scientific methods
 23 of constructing low cost residential housing of high durability;
 24 (15) to encourage community organizations to participate in
 25 residential housing development;
 26 (16) to make, execute, and effectuate any and all agreements or
 27 other documents with any governmental agency or any person,
 28 corporation, association, partnership, limited liability company,
 29 or other organization or entity necessary or convenient to
 30 accomplish the purposes of this chapter;
 31 (17) to accept gifts, devises, bequests, grants, loans,
 32 appropriations, revenue sharing, other financing and assistance
 33 and any other aid from any source whatsoever and to agree to, and
 34 to comply with, conditions attached thereto;
 35 (18) to sue and be sued in its own name, plead and be impleaded;
 36 (19) to maintain an office in the city of Indianapolis and at such
 37 other place or places as it may determine;
 38 (20) to adopt an official seal and alter the same at pleasure;
 39 (21) to adopt and from time to time amend and repeal bylaws for
 40 the regulation of its affairs and the conduct of its business and to
 41 prescribe rules and policies in connection with the performance
 42 of its functions and duties;

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1 (22) to employ fiscal consultants, engineers, attorneys, real estate
 2 counselors, appraisers, and such other consultants and employees
 3 as may be required in the judgment of the authority and to fix and
 4 pay their compensation from funds available to the authority
 5 therefor;
 6 (23) notwithstanding IC 5-13, but subject to the requirements of
 7 any trust agreement entered into by the authority, to invest:
 8 (A) the authority's money, funds, and accounts;
 9 (B) any money, funds, and accounts in the authority's custody;
 10 and
 11 (C) proceeds of bonds or notes;
 12 in the manner provided by an investment policy established by
 13 resolution of the authority;
 14 (24) to make or participate in the making of construction loans,
 15 mortgage loans, or both, to individuals, partnerships, limited
 16 liability companies, corporations, and organizations for the
 17 construction of residential facilities for individuals with a
 18 developmental disability or for individuals with a mental illness
 19 or for the acquisition or renovation, or both, of a facility to make
 20 it suitable for use as a new residential facility for individuals with
 21 a developmental disability or for individuals with a mental illness;
 22 (25) to make or participate in the making of construction and
 23 mortgage loans to individuals, partnerships, corporations, limited
 24 liability companies, and organizations for the construction,
 25 rehabilitation, or acquisition of residential facilities for children;
 26 (26) to purchase or participate in the purchase of mortgage loans
 27 from:
 28 (A) public utilities (as defined in IC 8-1-2-1); or
 29 (B) municipally owned gas utility systems organized under
 30 IC 8-1.5;
 31 if those mortgage loans were made for the purpose of insulating
 32 and otherwise weatherizing single family residences in order to
 33 conserve energy used to heat and cool those residences;
 34 (27) to provide financial assistance to mutual housing
 35 associations (IC 5-20-3) in the form of grants, loans, or a
 36 combination of grants and loans for the development of housing
 37 for low and moderate income families;
 38 (28) to service mortgage loans made or acquired by the authority
 39 and to impose and collect reasonable fees and charges in
 40 connection with such servicing;
 41 (29) subject to the authority's investment policy, to enter into
 42 swap agreements (as defined in IC 8-9.5-9-4) in accordance with

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- 1 IC 8-9.5-9-5 and IC 8-9.5-9-7;
- 2 (30) to promote and foster community revitalization through
- 3 community services and real estate development;
- 4 (31) to coordinate and establish linkages between governmental
- 5 and other social services programs to ensure the effective delivery
- 6 of services to low income individuals **and families, including**
- 7 **individuals or families facing or experiencing homelessness;**
- 8 (32) to cooperate with local housing officials and plan
- 9 commissions in the development of projects that the officials or
- 10 commissions have under consideration;
- 11 (33) to take actions necessary to implement its powers that the
- 12 authority determines to be appropriate and necessary to ensure the
- 13 availability of state or federal financial assistance; and
- 14 (34) to administer any program or money designated by the state
- 15 or available from the federal government or other sources that is
- 16 consistent with the authority's powers and duties.

17 The omission of a power from the list in this subsection does not imply
 18 that the authority lacks that power. The authority may exercise any
 19 power that is not listed in this subsection but is consistent with the
 20 powers listed in this subsection to the extent that the power is not
 21 expressly denied by the Constitution of the State of Indiana or by
 22 another statute.

23 (b) The authority shall structure and administer any program
 24 conducted under subsection (a)(3) or (a)(4) in order to assure that no
 25 mortgage loan shall knowingly be made to a person whose adjusted
 26 family income shall exceed one hundred twenty-five percent (125%)
 27 of the median income for the geographic area within which the person
 28 resides and at least forty percent (40%) of the mortgage loans so
 29 financed shall be for persons whose adjusted family income shall be
 30 below eighty percent (80%) of the median income for such area.

31 (c) In addition to the powers set forth in subsection (a), the authority
 32 may, with the proceeds of bonds and notes sold to retirement plans
 33 covered by IC 5-10-1.7, structure and administer a program of
 34 purchasing or participating in the purchasing from mortgage lenders of
 35 mortgage loans made to qualified members of retirement plans and
 36 other individuals. The authority shall structure and administer any
 37 program conducted under this subsection to assure that:

- 38 (1) each mortgage loan is made as a first mortgage loan for real
- 39 property:
 - 40 (A) that is a single family dwelling, including a condominium
 - 41 or townhouse, located in Indiana;
 - 42 (B) for a purchase price of not more than ninety-five thousand

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1 dollars (\$95,000);
2 (C) to be used as the purchaser's principal residence; and
3 (D) for which the purchaser has made a down payment in an
4 amount determined by the authority;
5 (2) no mortgage loan exceeds seventy-five thousand dollars
6 (\$75,000);
7 (3) any bonds or notes issued which are backed by mortgage loans
8 purchased by the authority under this subsection shall be offered
9 for sale to the retirement plans covered by IC 5-10-1.7; and
10 (4) qualified members of a retirement plan shall be given
11 preference with respect to the mortgage loans that in the
12 aggregate do not exceed the amount invested by their retirement
13 plan in bonds and notes issued by the authority that are backed by
14 mortgage loans purchased by the authority under this subsection.
15 (d) As used in this section, "a qualified member of a retirement
16 plan" means an active or retired member:
17 (1) of a retirement plan covered by IC 5-10-1.7 that has invested
18 in bonds and notes issued by the authority that are backed by
19 mortgage loans purchased by the authority under subsection (c);
20 and
21 (2) who for a minimum of two (2) years preceding the member's
22 application for a mortgage loan has:
23 (A) been a full-time state employee, teacher, judge, police
24 officer, or firefighter;
25 (B) been a full-time employee of a political subdivision
26 participating in the public employees' retirement fund;
27 (C) been receiving retirement benefits from the retirement
28 plan; or
29 (D) a combination of employment and receipt of retirement
30 benefits equaling at least two (2) years.
31 (e) The authority, when directed by the governor, shall administer
32 programs and funds under 42 U.S.C. 1437 et seq.
33 (f) The authority shall identify, promote, assist, and fund home
34 ownership education programs conducted throughout Indiana by
35 nonprofit counseling agencies certified by the authority using funds
36 appropriated under section 27 of this chapter. The attorney general and
37 the entities listed in IC 4-6-12-4(a)(1) through IC 4-6-12-4(a)(10) shall
38 cooperate with the authority in implementing this subsection.
39 **(g) The authority shall:**
40 **(1) oversee and encourage a regional homeless delivery system**
41 **that:**
42 **(A) considers the need for housing and support services;**

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- 1 **(B) implements strategies to respond to gaps in the delivery**
- 2 **system; and**
- 3 **(C) ensures individuals and families are matched with**
- 4 **optimal housing solutions;**
- 5 **(2) facilitate the dissemination of information to assist**
- 6 **individuals and families accessing local resources, programs,**
- 7 **and services related to homelessness, housing, and community**
- 8 **development; and**
- 9 **(3) each year, estimate and reasonably determine the number**
- 10 **of the following:**
- 11 **(A) Individuals in Indiana who are homeless.**
- 12 **(B) Individuals in Indiana who are homeless and less than**
- 13 **eighteen (18) years of age.**
- 14 **(C) Individuals in Indiana who are homeless and not**
- 15 **residents of Indiana.**

16 SECTION 2. IC 20-27-9-5, AS AMENDED BY P.L.99-2007,
 17 SECTION 171, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) A special purpose bus may be
 19 used:

- 20 (1) by a school corporation to provide regular transportation of a
- 21 student between one (1) school and another school but not
- 22 between the student's residence and the school;
- 23 (2) to transport students and their supervisors, including coaches,
- 24 managers, and sponsors, to athletic or other extracurricular school
- 25 activities and field trips;
- 26 (3) by a school corporation to provide transportation between an
- 27 individual's residence and the school for an individual enrolled in
- 28 a special program for the habilitation or rehabilitation of persons
- 29 with a developmental or physical disability; and
- 30 (4) to transport homeless students under ~~IC 20-27-12~~. **IC 20-50-3.**
- 31 (b) The mileage limitation of section 3 of this chapter does not apply
- 32 to special purpose buses.
- 33 (c) The operator of a special purpose bus must be at least
- 34 twenty-one (21) years of age, be authorized by the school corporation,
- 35 and meet the following requirements:
- 36 (1) If the special purpose bus has a capacity of less than sixteen
- 37 (16) passengers, the operator must hold a valid operator's,
- 38 chauffeur's, or public passenger chauffeur's license.
- 39 (2) If the special purpose bus has a capacity of more than fifteen
- 40 (15) passengers, the operator must meet the requirements for a
- 41 school bus driver set out in IC 20-27-8.
- 42 (d) A special purpose bus is not required to be constructed,

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1 equipped, or painted as specified for school buses under this article or
2 by the rules of the committee.

3 (e) An owner or operator of a special purpose bus, other than a
4 special purpose bus owned or operated by a school corporation or a
5 nonpublic school, is subject to IC 8-2.1.

6 SECTION 3. IC 20-50 IS ADDED TO THE INDIANA CODE AS
7 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
8 2008]:

9 **ARTICLE 50. HOMELESS CHILDREN AND FOSTER CARE**
10 **CHILDREN**

11 **Chapter 1. School Corporation Liaison for Homeless Children**

12 **Sec. 1. (a) As used in this chapter, "homeless child" means a**
13 **minor who lacks a fixed, regular, and adequate nighttime**
14 **residence.**

15 **(b) The term includes:**

16 **(1) a child who:**

17 **(A) shares the housing of other persons due to the child's**
18 **loss of housing, economic hardship, or a similar reason;**

19 **(B) lives in a motel, hotel, trailer park, or campground due**
20 **to the lack of alternative adequate accommodations;**

21 **(C) lives in an emergency or transitional shelter;**

22 **(D) is abandoned in a hospital; or**

23 **(E) is awaiting foster care placement;**

24 **(2) a child who has a primary nighttime residence that is a**
25 **public or private place not designed for or ordinarily used as**
26 **a regular sleeping accommodation for human beings;**

27 **(3) a child who lives in a car, a park, a public space, an**
28 **abandoned building, a bus station, a train station,**
29 **substandard housing, or a similar setting; and**

30 **(4) a child of a migratory worker who lives in circumstances**
31 **described in subdivisions (1) through (3).**

32 **Sec. 2. The department shall establish an office of coordinator**
33 **for education of homeless children as required by 42 U.S.C. 11431**
34 **et seq.**

35 **Sec. 3. Each school corporation shall appoint an employee to be**
36 **the school corporation's liaison for homeless children as required**
37 **by 42 U.S.C. 11431 et seq.**

38 **Sec. 4. Each school corporation shall report to the department,**
39 **by August 1 of each year, the name and contact information of the**
40 **school corporation's liaison for homeless children.**

41 **Sec. 5. Each school corporation that has an Internet web site**
42 **shall post the contact information of the school corporation's**

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1 liaison for homeless children on the school corporation's Internet
2 web site.

3 Sec. 6. Each year, the department shall provide training to
4 individuals who are newly appointed under section 3 of this
5 chapter as liaisons for homeless children.

6 Chapter 2. Tutoring and Mentoring for Homeless Children and
7 Foster Care Children

8 Sec. 1. As used in this chapter, "homeless child" has the
9 meaning set forth in IC 20-50-1-1.

10 Sec. 2. Each school corporation shall provide tutoring for a child
11 enrolled in a school operated by the school corporation who is:

- 12 (1) in foster care; or
- 13 (2) a homeless child;

14 if the school corporation determines the child has a demonstrated
15 need for tutoring.

16 Chapter 3. Transportation of Homeless Students and Students
17 in Foster Care

18 Sec. 1. As used in this chapter, "homeless student" means a
19 homeless child (as defined in IC 20-50-1-1) who is a student. The
20 term includes a student who is awaiting placement in foster care.

21 Sec. 2. As used in this chapter, "original school corporation"
22 means the school corporation in which the school of origin of a
23 homeless student or student in foster care is located.

24 Sec. 3. As used in this chapter, "school of origin" means the
25 school:

- 26 (1) that a homeless student or student in foster care attended
27 when the student last had a permanent residence; or
- 28 (2) in which the homeless student or student in foster care was
29 last enrolled.

30 Sec. 4. As used in this chapter, "transitional school corporation"
31 means the school corporation in which a homeless student or
32 student in foster care temporarily stays.

33 Sec. 5. (a) If a homeless student or a student in foster care
34 temporarily stays in the student's original school corporation but
35 outside the attendance area of the student's school of origin, the
36 original school corporation shall provide transportation for the
37 student from the place where the student is temporarily staying to
38 the school of origin and from the school of origin to the place
39 where the student is temporarily staying.

40 (b) If:

- 41 (1) the school of origin of a homeless student or a student in
42 foster care is located in a school corporation other than the

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1 school corporation in which the student is temporarily
 2 staying; and
 3 (2) the student does not elect to attend a school located in the
 4 school corporation in which the homeless student or student
 5 in foster care is temporarily staying;
 6 the original school corporation and the transitional school
 7 corporation shall enter into an agreement concerning the
 8 responsibility for and apportionment of the costs of transporting
 9 the student to and from the school of origin.

10 (c) If the original school corporation and the transitional school
 11 corporation are unable to reach an agreement under subsection
 12 (b), the responsibility for transporting the homeless student or
 13 student in foster care to and from the school of origin is shared
 14 equally between both school corporations, and the cost of
 15 transporting the student to and from the school of origin is
 16 apportioned equally between both school corporations.

17 Sec. 6. (a) The following apply to the vehicles to be used by a
 18 school corporation in transporting a homeless student or student
 19 in foster care to or from a school of origin:

20 (1) If at least four (4) students are being transported to or
 21 from schools in the same school corporation, a special purpose
 22 bus shall be used to transport the students.

23 (2) If three (3) or fewer students are being transported to or
 24 from schools in the same school corporation, an appropriate
 25 vehicle owned by the school corporation may be used to
 26 transport the students.

27 (b) The driver of a vehicle used to transport homeless students
 28 or students in foster care to and from a school of origin under
 29 subsection (a) must meet the qualifications set forth in
 30 IC 20-27-9-5(c).

31 SECTION 4. IC 21-12-6-9, AS ADDED BY P.L.2-2007, SECTION
 32 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 33 1, 2008]: Sec. 9. (a) Except as provided in subsection (b), if an
 34 eligible student, a scholarship applicant, or a scholarship recipient
 35 violates an agreement entered into under this chapter, the eligible
 36 student, scholarship applicant, or scholarship recipient is disqualified
 37 from further consideration as a scholarship recipient under this chapter.

38 (b) An eligible student or a scholarship applicant is not
 39 disqualified from consideration as a scholarship recipient if the
 40 eligible student or scholarship applicant has:

- 41 (1) withdrawn from school under IC 20-33-2-9; and
- 42 (2) obtained a general educational development diploma

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under IC 20-20-6.
SECTION 5. IC 31-9-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 28. "Court appointed special advocate", for purposes of IC 31-15-6, IC 31-17-6, IC 31-19-16, IC 31-19-16.5, **IC 31-28-5**, and the juvenile law, means a community volunteer who:

- (1) has completed a training program approved by the court;
- (2) has been appointed by a court to represent and protect the best interests of a child; and
- (3) may research, examine, advocate, facilitate, and monitor a child's situation.

SECTION 6. IC 31-9-2-50 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 50. "Guardian ad litem", for purposes of IC 31-15-6, IC 31-16-3, IC 31-19-16, IC 31-19-16.5, **IC 31-28-5**, and the juvenile law, means an attorney, a volunteer, or an employee of a county program designated under IC 33-24-6-4 who is appointed by a court to:

- (1) represent and protect the best interests of a child; and
 - (2) provide the child with services requested by the court, including:
 - (A) researching;
 - (B) examining;
 - (C) advocating;
 - (D) facilitating; and
 - (E) monitoring;
- the child's situation.

A guardian ad litem who is not an attorney must complete the same court approved training program that is required for a court appointed special advocate under section 28 of this chapter.

SECTION 7. IC 31-9-2-116.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 116.5. "Services or items", for purposes of IC 31-36-3, has the meaning set forth in IC 31-36-3-1.**

SECTION 8. IC 31-9-2-117.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 117.3. "Sibling", for purposes of IC 31-28-5, means a brother or sister by blood, half-blood, or adoption.**

SECTION 9. IC 31-9-2-131.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 131.5. "Unattached youth", for purposes of IC 31-36-3, has the meaning set forth in IC 31-36-3-2.**

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1 SECTION 10. IC 31-28-5 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]:

4 **Chapter 5. Foster Care Sibling Visitation**

5 **Sec. 1. This chapter applies to:**

6 (1) a child who receives foster care that is funded by the
7 department or a county office; and

8 (2) a sibling of a child described in subdivision (1).

9 **Sec. 2. The department shall make reasonable efforts to promote
10 sibling visitation for every child who receives foster care, including
11 visitation when one (1) sibling receives foster care and another
12 sibling does not.**

13 **Sec. 3. A child may request the department to permit the child
14 to have visitation with the child's sibling if the child or the child's
15 sibling, or both, receive foster care. If the department finds that the
16 sibling visitation is in the best interests of each child who receives
17 foster care, the department shall permit the sibling visitation and
18 establish a sibling visitation schedule.**

19 **Sec. 4. (a) If the department denies a request for sibling
20 visitation under section 3 of this chapter, any individual may
21 petition the juvenile court with jurisdiction in the county in which
22 the child receiving foster care is located for an order requiring
23 sibling visitation.**

24 **(b) If the juvenile court determines it is in the best interests of
25 the child receiving foster care to have sibling visitation, the juvenile
26 court shall order sibling visitation and establish a schedule for the
27 sibling visitation.**

28 **Sec. 5. (a) The juvenile court may appoint a guardian ad litem
29 or court appointed special advocate if a child receiving foster care
30 requests sibling visitation.**

31 **(b) A guardian ad litem or court appointed special advocate
32 shall represent and protect the best interests of the child.**

33 **(c) A guardian ad litem or court appointed special advocate
34 serves until the court enters an order for removal.**

35 **(d) A guardian ad litem or court appointed special advocate, or
36 both, are considered officers of the court for the purpose of
37 representing the child's interests.**

38 **(e) A guardian ad litem or court appointed special advocate may
39 be represented by an attorney. If necessary to protect the child's
40 interests, the court may appoint an attorney to represent the
41 guardian ad litem or court appointed special advocate.**

42 **(f) A guardian ad litem or court appointed special advocate**

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1 appointed by a court under this chapter may subpoena witnesses
2 and present evidence regarding sibling visitation.

3 (g) Except for gross misconduct:

- 4 (1) a guardian ad litem;
- 5 (2) a court appointed special advocate;
- 6 (3) an employee of a county guardian ad litem or court
- 7 appointed special advocate program; or
- 8 (4) a volunteer for a guardian ad litem or court appointed
- 9 special advocate program;

10 who performs duties in good faith is immune from any civil
11 liability that occurs as a result of the person's performance.

12 SECTION 11. IC 31-36-3 IS ADDED TO THE INDIANA CODE
13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2008]:

15 **Chapter 3. Homeless Children**

16 **Sec. 1.** As used in this chapter, "services or items" includes food,
17 clothing, personal hygiene products, health care, and counseling.

18 **Sec. 2. (a)** As used in this chapter, "unattached youth" means an
19 individual who:

- 20 (1) is less than twenty-one (21) years of age;
- 21 (2) is unaccompanied by a parent or a guardian; and
- 22 (3) does not have shelter with appropriate care and
- 23 supervision.

24 (b) The term includes:

- 25 (1) an individual described in subsection (a) whose parent or
- 26 guardian is unable or unwilling to provide shelter or care for
- 27 the individual; and
- 28 (2) an individual described in subsection (a) who lacks a fixed,
- 29 regular, and adequate nighttime residence.

30 **Sec. 3.** An individual who is at least sixteen (16) years of age and
31 less than eighteen (18) years of age or who is an unattached youth
32 may receive shelter and services or items that are directly related
33 to providing shelter to the individual from:

- 34 (1) an emergency shelter;
- 35 (2) a shelter care facility; or
- 36 (3) a program that provides services or items that are directly
- 37 related to providing shelter to individuals who are homeless
- 38 or have a low income;

39 without the notification, consent, or permission of the individual's
40 parent, guardian, or custodian.

41 **Sec. 4.** An emergency shelter or a shelter care facility is not
42 required to notify an emancipated minor's parent, guardian, or

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1 **custodian if the emancipated minor receives or attempts to receive**
2 **any services or items from an emergency shelter, a shelter care**
3 **facility, or other program that provides services or items to**
4 **individuals who are homeless or have a low income.**

5 **Sec. 5. (a) Except as provided in section 3 or 4 of this chapter, if**
6 **a child voluntarily enters an emergency shelter or a shelter care**
7 **facility, the shelter or facility shall notify the child's parent,**
8 **guardian, or custodian of the child's location not later than**
9 **seventy-two (72) hours after the child enters the shelter or facility.**

10 **(b) If the emergency shelter or shelter care facility that a child**
11 **voluntarily enters is unable to notify the child's parent, guardian,**
12 **or custodian of the child's location, the shelter or facility shall**
13 **immediately notify the state police department and report the**
14 **child's location.**

15 **Sec. 6. An emergency shelter or shelter care facility shall**
16 **immediately notify the department of child services if a child**
17 **alleges that the child is the subject of abuse or neglect.**

18 SECTION 12. IC 34-30-2-133 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 133. IC 31-15-6-8,
20 IC 31-17-6-8, **IC 31-28-5-5**, and IC 31-32-3-10 (Concerning a person
21 acting as guardian ad litem or court appointed special advocate).

22 SECTION 13. IC 20-27-12 IS REPEALED [EFFECTIVE JULY 1,
23 2008].

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1165, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SUMMERS, Chair

Committee Vote: yeas 8, nays 0.

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